

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Daquane M. Small

Docket No. 5:15-CR-270-1D

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daquane M. Small, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Felon, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on April 20, 2016, to the custody of the Bureau of Prisons for a term of 44 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Daquane M. Small was released from custody on September 4, 2018, at which time the term of supervised release commenced.

On September 24, 2018, a Violation Report was submitted to the court advising of the defendant's use of cocaine which was detected at his initial office visit with the probation officer on September 19, 2018. The defendant was placed in the Surprise Urinalysis Program and referred for a substance abuse assessment. Supervision was permitted to continue with no further action being taken at that time.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Following his assessment, it was recommended that the defendant participate in individual and group therapy. The defendant became employed following his assessment, and as a result, failed to participate in treatment and urinalysis testing. On January 18, 2019, the defendant met with the defendant at his mother's residence, at which time a urinalysis sample was provided. The result of the on-site test was positive for cocaine, the defendant admitted to using cocaine, and he signed an Admission of Drug Use form stating the same. The defendant stated he used cocaine following the murder of a friend. He also lost his job. The defendant was instructed to contact the treatment provider on January 21, 2019, his frequency of drug testing was increased, and the probation officer reviewed the thoughts and behaviors surrounding the defendant's decision to use, along with replacement thoughts. Rather than return to court for revocation proceedings, it is recommended the defendant be given another opportunity to engage in treatment, in addition to modifying the conditions of supervision by adding location monitoring with a curfew for a period of 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: January 23, 2019

ORDER OF THE COURT

Considered and ordered this 25 day of January, 2019, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge